

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO: 3:14-CV-224-RJC-DSC**

BOBBY C. HUNTLEY,)
)
Plaintiff,)
)
v.)
)
DUKE ENERGY CAROLINAS, LLC,)
)
Defendant.)

MEMORANDUM AND RECOMMENDATION

THIS MATTER is before the Court on Defendant’s “Motion to Partially Dismiss Plaintiff’s Complaint [Claim for Intentional Infliction of Emotional Distress]” (document #6), as well as the parties’ briefs and exhibits.

This matter was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1), and this Motion is now ripe for the Court’s consideration.

In his “Response ...” (document #10), Plaintiff states that he “does not oppose the dismissal of [his] intentional infliction of emotional distress claim.”

RECOMMENDATION

FOR THE FOREGOING REASON, the undersigned respectfully recommends that Defendant’s “Motion to Partially Dismiss Plaintiff’s Complaint [Claim for Intentional Infliction of Emotional Distress]” (document #6) be **GRANTED** and that Plaintiff’s intentional infliction of emotional distress claim be **DISMISSED WITH PREJUDICE**.


NOTICE OF APPEAL RIGHTS

The parties are hereby advised that, pursuant to 28 U.S.C. §636(b)(1)(c), written

objections to the proposed findings of fact and conclusions of law and the recommendation contained in this Memorandum must be filed within fourteen (14) days after service of same. Failure to file objections to this Memorandum with the District Court constitutes a waiver of the right to de novo review by the District Judge. Diamond v. Colonial Life, 416 F.3d 310, 315-16 (4th Cir. 2005); Wells v. Shriners Hosp., 109 F.3d 198, 201 (4th Cir. 1997); Snyder v. Ridenour, 889 F.2d 1363, 1365 (4th Cir. 1989). Moreover, failure to file timely objections will also preclude the parties from raising such objections on appeal. Thomas v. Arn, 474 U.S. 140, 147 (1985); Diamond, 416 F.3d at 316; Page v. Lee, 337 F.3d 411, 416 n.3 (4th Cir. 2003); Wells, 109 F.3d at 201; Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984).

SO ORDERED AND RECOMMENDED.

Signed: October 23, 2014



David S. Cayer
United States Magistrate Judge

